

### REMARKS

Claims 11-28 are pending in the application, with claims 11-13 and 15 being independent. New claims 25-28 have been added. Support for the new claims may be found in the application at, for example, page 4, lines 7-8. No new matter has been introduced.

Claims 11 and 12 have been rejected as being unpatentable over Ohe (U.S. Patent No. 6,011,606) in view of Yoshizo (JP 57-141478). Applicant requests reconsideration and withdrawal of this rejection because there would have been no motivation to modify the device of Ohe to include the liquid crystal material of Yoshizo.

The rejection appears to indicate that the motivation would have resulted from a desire to improve the visibility and contrast of Ohe's device. However, Ohe already describes techniques for obtaining devices with improved contrast. See Ohe at col. 14, lines 45-46 and col. 15, lines 46-47.

In addition, Ohe places special importance on the properties of the liquid crystal material, such as, for example, the resistivity of the liquid crystal material as discussed at col. 2, lines 26-28. By contrast, Yoshizo appears to be silent as to whether Yoshizo's liquid crystal material includes the desired properties, such that a person seeking to maintain the desired properties of Ohe's device would not have been led to turn to the material of Yoshizo.

Accordingly, for at least these reasons, the rejection should be withdrawn.

Claims 11-16 also have been rejected as being unpatentable over Sano (U.S. Patent No. 5,694,188) in view of Tomio (JP 57-117579), Wakita (U.S. Patent No. 5,574,593), Kobayashi (U.S. Patent No. 5,305,126) and Ohe. Applicant requests reconsideration and withdrawal of this rejection because no proper combination of Sano, Wakita, Kobayashi and Ohe describes or suggests an arrangement in which a cell thickness  $d$  between the pair of substrates is in a range of  $1\mu\text{m} < d < 10\mu\text{m}$ , as recited in each of the independent claims.

At col. 5, lines 20-23, Sano discloses that "When the guest-host type liquid crystal is used, it is desirable that the height of the wall of the comb-shaped wall electrode, which corresponds to the cell gap, be 15 to 40  $\mu\text{m}$ ." Sano then goes on to state that problems with the

contrast ratio may occur if the cell gap is less than 15  $\mu\text{m}$ . See col. 5, lines 23-24. Thus, Sano explicitly teaches away from using a cell thickness in the range recited in the claims.

While Wakita indicates, at col. 10, lines 56-57, that substrates are "attached to each other by means of a spherical spacer at an interval of 5  $\mu\text{m}$ ," nothing in Wakita would have led one of ordinary skill in the art to ignore Sano's strong preference for a gap of 15  $\mu\text{m}$  or more.

Similarly, while Kobayashi indicates, at col. 10, lines 34-36, that a cell gap of 10  $\mu\text{m}$  is used, nothing in Kobayashi would have led one of ordinary skill in the art to ignore Sano's strong preference for a gap of 15  $\mu\text{m}$  or more.

Finally, while Ohe (similarly to Wakita) indicates, at col. 8, lines 52-54, that polymer beads between the substrate are used to provide a 4  $\mu\text{m}$  gap between the substrates, nothing in Ohe would have led one of ordinary skill in the art to ignore Sano's strong preference for a gap of 15  $\mu\text{m}$  or more.

Accordingly, for at least these reasons, the rejection should be withdrawn.

Claims 17, 18, 21 and 22, which depend from claims 11 and 12, have been rejected as being unpatentable over Ohe in view of Yoshizo and Ohnishi (U.S. Patent No. 5,730,899). Applicant requests reconsideration and withdrawal of this rejection because Ohnishi does not remedy the failure of Ohe and Yoshizo to describe or suggest the subject matter of claims 11 and 12.

Claims 17-24 have been rejected as being unpatentable over Sano in view of Tomio, Wakita, Kobayashi, Ohe and Ohnishi. Applicant requests reconsideration and withdrawal of this rejection because Ohnishi does not remedy the failure of the other references to describe or suggest the subject matter of the independent claims.

Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$460 for a two-month extension of time is being paid concurrently herewith on the electronic filing system (EFS) by way of deposit account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/2/07

  
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